

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1433 of 2018 (O&M)
Date of Decision :03.12.2018

Naresh Kumar Gurjar

.....Appellant

Versus

Union of India and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Mukul Goyal, Advocate for the appellant.
Mr. Chetan Mittal, Sr. Advocate with
Mr. Sunil Kumar Sharma, Senior Panel Counsel
for UOI.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This *intra court* appeal, under clause X of the letters patent, is directed against the judgment and order dated 9.7.2018, passed by the learned Single Judge dismissing the writ petition filed by the appellant cancelling the appointment letter issued to him for recruitment of constables (General Duty) in Central Paramilitary Forces.

Admitted facts are that appellant though was a resident of State of Rajasthan but he made an application for being appointed on the vacancy for the State of Jammu & Kashmir. There is no doubt that he cleared the selection process and even appointment letter was issued but subsequently at the time of scrutiny of documents it was found that he belongs to State of Rajasthan and could not have been appointed against the vacancy existing

in the State of Jammu & Kashmir. The facts that he wrongly made an application for the vacancy in Jammu & Kashmir is not being denied or disputed by learned counsel for the appellant. As per the terms and conditions of the advertisement the vacancies were bifurcated State-wise and were available for the candidates domicile in particular State. Note-III of clause 2 clearly provided that the vacancies have been allotted to the concerned States/UTs candidates are required to submit domicile certificates of the States indicated by them in the application at the time of medical examination. The appointment letter issued to the appellant was apparently in violation of the aforesaid terms and conditions as even though being resident of State of Rajasthan, he made an application for being appointed in the State of Jammu & Kashmir. For the aforesaid facts and reasons we see no illegality committed by the learned Single Judge in dismissing the writ petition as appointment letter issued to the appellant was clearly in violation of the terms and conditions of the advertisement. The last submission advanced by learned counsel for the appellant is that many such candidates who belongs to a different States have been appointed in other States.

Learned counsel appearing for the Central Government on the basis of the instructions states that they have been adjusted because vacancies where they were appointed were available but in the case in hand there is no likelihood for the appellant being adjusted as no vacancies are available. Admittedly, the selection process started in the year 2013 and came to an end in 2015 and the appellant approached this Court after about 3 years of the completion of selection process. Apart from the above, even

if some candidates have been retained illegally or against the prescribed norms the appellant cannot claim parity with them as Article 14 does not stand attracted in the case of illegality.

In view of the aforesaid facts and discussion the appeal being devoid of merit and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

03.12.2018

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No